

STATE OF MAINE

DEPARTMENT OF MARINE RESOURCES

IN THE MATTER OF THE APPLICATION) OF L.R. ENTERPRISES, INC. TO TRANSFER) AN AQUACULTURE LEASE LOCATED) SOUTHEAST OF BIRCH POINT, PERRY, AND) NORTHWEST OF GOOSE ISLAND, EASTPORT,) WASHINGTON COUNTY, MAINE TO G.C., INC.)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
---	---	--

On August 31, 2001, L.R. Enterprises, Inc., represented by Barry Calder, made application for transfer of an aquaculture lease (tracts: 661-10, 662-10, 663-10, 664-10, 665-10) granted to them on April 3, 2000. The aquaculture lease allows L. R. Enterprises, Inc. the right to cultivate Atlantic salmon using pen culture techniques at a 24.65 acre finfish lease located southeast of Birch Point and northwest of Goose Island, Perry and Eastport, Washington County, Maine.

Notice of the application for lease transfer was published in the October, 2001 issue of Commercial Fisheries News, and the September 28, 2001 issue of the Quoddy Tides and the October 16, 2001 issue of the Downeast Coastal Press. The public and interested parties were given to October 28, 2001 to request a hearing on the application for lease transfer. No requests for a hearing on this application were received by the Department either on, or before, October 28, 2001, or at any time subsequent to the date of this decision.

Applications for transfer of interest in aquaculture leases are governed by 12 M.R.S.A. §6072(12-A), which provides that a lease may be transferred if the transfer is not for speculative purposes.

Section 2.60(C)(3) of the Department of Marine Resources regulation dealing with aquaculture leases, indicates that "speculative purposes" shall be found to exist whenever the owner of a lease to be transferred has not conducted any substantial aquaculture on the lease

sites, including, but not limited to, seeding, cultivation, or harvesting organisms.

Based on the information contained in the original application and evidence taken at the original hearing and the application for transfer, it appears that the transfer for lease interest in this instance will not violate 12 M.R.S.A. §6072(7-A) or §6072(8), nor be for speculative purposes.

Decision

The Commissioner of Marine Resources grants the application of L. R. Enterprises, Inc. to transfer the lease granted to L. R. Enterprises, Inc. by the Department of Marine Resources on April 3, 2000 for 24.65 acres located southeast of Birch Point and northwest of Goose Island, Perry and Eastport, Washington County, Maine, to G. C., Inc. In assuming this lease, G. C., Inc. is subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated: _____

George D. Lapointe (Commissioner)
Department of Marine Resources